

### **Remarks**

In response to the Office Action mailed on September 22, 2005, the Applicant sincerely requests reconsideration in view of the above amendments to the claims and the following remarks. The claims as presented are believed to be in allowable condition. In the above-referenced amendments, claims 6, 7, 10, 13, 19, 36, and 37 have been amended and claims 11-12, 15-18, 22-30, 40-46, and 48 have been canceled. Independent claims 6, 13, and 36 have been amended to clarify that data is adapted to conform to quality of service parameters associated with a plurality of network segments and that the adapted data is transmitted along each network segment to a client or receiving device. The independent claims have further been amended to specify that new programming is requested for adapting the data upon detecting changes in the quality of service parameters for each network segment. Claims 7, 10, 19, and 37 have been amended to conform to their respective independent claims. Support for these amendments may be found in Fig. 2 and on page 14, line 16 through page 15, line 10 in the Specification. No new matter has been added.

In the Office Action, claims 43-46 and 48 are rejected under 35 U.S.C. § 102(e) as being anticipated by Sahai et al. (U.S. Patent 6,594,699, hereinafter "Sahai"). Claims 6, 9-13, 15-19, 22-27, 29-30, 36, and 39-41 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Sahai and Natarajan et al. (U.S. Patent 6,539,427, hereinafter "Natarajan"). Claims 7, 28, and 37 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Sahai and Natarajan and further in view of Bahadiroglu (U.S. Patent Application Publication 2002/0186660).

### **Applicant's Statement of the Substance of the Interview**

In a telephonic interview with the Examiner on December 26, 2005, the undersigned representative for the Applicant submits that a proposed amendment to claim 6 was discussed in

view of the previously cited references Sahai and Natarajan. Also, during the interview, subject matter disclosed in the Specification but not currently claimed was discussed. In particular, subject matter pertaining to programming a server to adapt data so that the data conforms to the quality of service (QoS) parameters of multiple network segments between a server and a client and updating the programming whenever a change in the QoS parameters of a network segment occurs, was discussed. The Examiner acknowledged that the cited references did not disclose the aforementioned subject matter.

#### **Claim Rejections - 35 U.S.C. §102**

In the Office Action, 43-46 and 48 are rejected as being anticipated by Sahai. As noted in the "Amendments to the Claims" section above, all of the aforementioned claims have been canceled. Therefore, it is respectfully requested that the rejection of these claims be withdrawn.

#### **Claim Rejections - 35 U.S.C. §103**

##### **Claims 6, 9-13, 15-19, 22-27, 29-30, 36, and 39-41**

Claims 6, 9-13, 15-19, 22-27, 29-30, 36, and 39-41 are rejected as being unpatentable over Sahai and Natarajan. As noted in the "Amendments to the Claims" section above, claims 11-12, 15-18, 22-27, 29-30, and 40-41 have been canceled. The rejection of the remaining claims is respectfully traversed.

Amended independent claim 6 specifies a method executed by a device for adapting data according to quality of service parameters associated with a plurality of network segments that are downstream from the device. The method includes receiving at the device instructions, wherein the instructions instruct the device to adapt the data; receiving the data from a sending device; adapting the data to conform to the quality of service parameters associated with each network segment; transmitting the adapted data along the each network segment to a client; and

requesting new programming for adapting the data upon detecting changes in the quality of service parameters for each network segment.

Sahai discloses a system for capability based multimedia streaming over a network in which a server processor coupled to a client processor receives client processor capabilities in association with a request for service for a multimedia type data transfer. The server determines the characteristics of the transfer to the client based on client capabilities and user specifications or preferences. Client capabilities and user preferences include quality of service for delivered media data. The server performs asset selection and media data adaption; server, network, and client resource allocation based on the client capability and preferences; and streams multimedia data to the client (See Col. 2, lines 45 through Col. 4 line 39.).

Sahai fails to teach, disclose, or suggest each of the features of amended claim 6. For example, Sahai fails to disclose adapting data to conform to the quality of service parameters associated with a plurality of network segments and requesting new programming for adapting the data upon detecting changes in the quality of service parameters for each network segment. As discussed above, Sahai discloses quality of service for delivered media data but does not disclose quality of service parameters associated with a plurality of network segments which are downstream from a device for transmission to a client. Furthermore, Sahai fails to disclose requesting new programming for adapting data upon detecting changes in quality of service parameters for a plurality of network segments.

Natarajan, relied upon to cure the deficiencies of Sahai, discloses a technique for implementing a feedback-based data network which is able to automatically and dynamically monitor characteristics of various aspects of the network and adapt to changing network conditions by dynamically and automatically modifying selected network parameters in order to

achieve a desired performance level (See Col. 2, lines 15-22). Natarajan, however, like Sahai, fails to teach, disclose, or suggest each of the features specified in amended independent claim 6. For example, Natarajan fails to disclose adapting data to conform to the quality of service parameters associated with a plurality of network segments for transmission to a client.

Since neither Sahai nor Natarajan, alone or in combination, teaches, discloses, or suggests each of the features specified in amended independent claim 6, this claim is allowable and the rejection of this claim should be withdrawn. Claims 9-10 depend from amended independent claim 6 and are thus allowable for at least the same reasons. Amended independent claims 13 and 36 recite similar features as amended independent claim 1 and are thus allowable for at least the same reasons. Claims 19 and 39 depend from claims 13 and 36 respectively and recite at least the same features. Therefore, claims 9, 10, 13, 19, 36, and 39 are also allowable and the rejection of these claims should also be withdrawn.

#### Claims 7, 28, and 37

Claims 7, 28, and 37 are rejected as being unpatentable over Sahai and Natarajan and further in view of Bahadiroglu. As noted in the "Amendments to the Claims" section above, claims 7 and 37 have been canceled. The rejection of the remaining claims is respectfully traversed.

Claims 7 and 37 depend from amended independent claims 6 and 37, respectively, and are thus allowable over Sahai and Natarajan for at least the same reasons discussed above with respect to these claims. Bahadiroglu, relied upon to cure the deficiencies of Sahai and Natarajan, discloses an adaptive packet mechanism in which current network conditions pertaining to latency and jitter for packet transmission in a connection between a sending node and a receiving node are periodically determined. The latency and jitter measurements are then used to

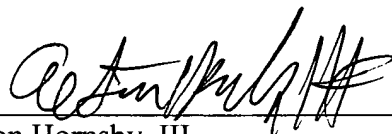
determine an optimum packet size and inter-packet interval between the sending and receiving nodes (See Paragraphs 0047-0048). Bahadiroglu, however, fails to teach, disclose, or suggest each of the features specified in claims 7 and 37. For example, Bahadiroglu fails to disclose adapting data to conform to the quality of service parameters associated with a plurality of network segments for transmission to a client and requesting new programming for adapting data upon detecting changes in the quality of service parameters for the plurality of network segments. Based on the foregoing, claims 7 and 37 are allowable and the rejection of these claims should be withdrawn.

### **Conclusion**

In view of the foregoing amendments and remarks, this application is now in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is invited to call the Applicant's attorney at the number listed below.

Respectfully submitted,  
MERCHANT & GOULD

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